HONNY RAY HARDAWAY
P-45579 C2124L
CENTINELA STATE PRISON
P.O. BOX 921
IMPERIAL, CA 92251
"PRO-PER"

2254 1983
FILING FEE PAID
Yes No
IFP MOTION FILED
Yes No
CONSENT TO
Court ProSe

FILED
JUL 17 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY RM DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HONNY RAY HARDAWAY, PLAINTIFF, v. C. NIETO, CORRECTIONAL COUNSELOR, WINN, CORRECTIONAL COUNSELOR, POOE, CAPTAIN, DEFENDANTS.	'08 CV 1309 BTM AJB NO. COMPLAINT FOR CONSPIRACY, DISCRIMINATION, FRAUD, HARASSMENT, INTIMIDATION, RETALIATION AND THREATENING

PLAINTIFF

INNOCENT INDIGENT BLACKMAN, BLACK-PLAINTIFF MR HONNY RAY HARDAWAY, IN 1999 WAS WRONGLY DETAINED, WRONGLY ACCUSED, WRONGLY ARRESTED, WRONGLY CONVICTED, WRONGLY IMPRISONED AND IS WRONGLY IN SLAVERY UNDER THE AUTHORITY OF THE DEPARTMENT OF CORRECTIONS. HE IS INCARCERATED AT, CENTINELA STATE PRISON - IMPERIAL, IN THE CITY OF IMPERIAL, IN THE COUNTY OF IMPERIAL, IN THE STATE OF CALIFORNIA.

AT ALL TIMES MENTIONED IN THIS COMPLAINT DEFENDANT C. NIETO, WAS A DULY APPOINTED, QUALIFIED, AND ACTING CORRECTIONAL COUNSELOR, IN THE COUNTY OF IMPERIAL, IN THE STATE OF CALIFORNIA.

AT ALL TIMES MENTIONED IN THIS COMPLAINT DEFENDANT WINN, WAS A DULY APPOINTED, QUALIFIED, AND ACTING CORRECTIONAL COUNSELOR, IN THE COUNTY OF IMPERIAL, IN THE STATE OF CALIFORNIA.

AT ALL TIMES MENTIONED IN THIS COMPLAINT DEFENDANT POOE, WAS A DULY APPOINTED, QUALIFIED, AND ACTING CORRECTIONAL COUNSELOR, IN THE COUNTY OF IMPERIAL, IN THE STATE OF CALIFORNIA.

STATEMENT OF CLAIMS

IN 1999 THE PROSECUTOR BASED HIS CASE THAT ON 1-4-99 THE CLOCK IN THE PAWN SHOP WAS 40-MINUTES FAST, THE PAWN RECEIPT READ 12:01, THAT KENITRA GAYLE BLACK-PLAINTIFF LEWIS FRAZIER PAWNED A BRACLET AT 11:21, RECEIVED $15.00, LEFT AND WENT TEN BLOCKS AND AT 11:31 KIDNAPPED JANE DOE, THEN WAS ARRESTED AT 12:09 ON 88TH AVENUE.

BLACK-PLAINTIFF BASED HIS CASE THAT ON 1-4-99 THE CLOCK IN THE PAWN SHOP WAS 19-MINUTES FAST, THE PAWN RECEIPT READ 12:02, THAT KENITRA GAYLE LEWIS FRAZIER PAWNED HIS BRACLET AT 11:43, BLACK-PLAINTIFF RECEIVED $10.00, LEFT FOR HOME AND WAS ARRESTED ON 88TH AVENUE AT 12:09.

THE PAWN SHOP SECURITY CAMERA TAPE WAS EXCLUDED FROM TRIAL BECAUSE IT SHOWED BLACK-PLAINTIFF IN THE PAWN SHOP AT 11:21, 11:31 AND LEAVING AT 11:43.

THE PAWN RECEIPT WAS EXCLUDED FROM TRIAL BECAUSE IT READ 12:02. OFFICER PETE SARNA'S REPORT WAS EXCLUDED FROM TRIAL BECAUSE IT STATED THAT HIS BRACLET WAS PAWNED AT 11:43 ON 1-4-99 BY KENITRA GAYLE LEWIS FRAZIER. THE PROSECUTORS INSPECTOR REPORT WAS EXCLUDED FROM TRIAL BECAUSE IT STATED THAT KENITRA GAYLE LEWIS FRAZIERS PAWN RECEIPT READ 12:02. THE DNA RESULT WAS EXCLUDED FROM TRIAL BY THE PROSECUTOR BECAUSE IT WAS NEGATIVE. THE DOCTORS REPORT WAS EXCLUDED FROM TRIAL BECAUSE IT STATED THAT JANE DOE WAS DEPRESSED BECAUSE OF SCHOOL, HAD NOT BATH YET, AND JUST A SCRATCH ON HER JAW.

[EXHIBIT-A, PAWN RECEIPT, 1-4-99, ONE PAGE]

[EXHIBIT-B, INSPECTOR'S REPORT, TWO PAGES, 3-15-99]

[EXHIBIT-C, POLICE REPORT, ONE PAGE, 1-5-99]

[EXHIBIT-D, TRIAL TRANSCRIPTS, 4-1-99 THREE PAGES]

ON 12-14-07 BLACK-PLAINTIFF TOOK ALL OF HIS CONFIDENTIAL LEGAL WORK TO RECEIVING AND RELEASE.

12-18-07 BLACK-PLAINTIFF ARRIVED AT CENTINELA STATE PRISON-IMPERIAL. HE WAS NOT GIVEN NONE OF HIS LEGAL CONFIDENTIAL WORK, UNTIL 1-11-08. BLACK-PLAINTIFF HAD CASES IN SUPERIOR COURT, APPELLATE COURT, CALIFORNIA SUPREME COURT, UNITED STATES DISTRICT COURTS, UNITED STATES APPEALS COURT AND THE UNITED STATES SUPREME COURT. ALL THESE CASES WERE ACTIVE AND STILL PENDING.

BLACK-PLAINTIFF HAS NO WAY OF LETTING THE COURTS KNOW THAT HE HAD BEEN TRANSFERED FROM ONE PEN TO ANOTHER. AND THAT WAS BECAUSE CENTINELA STATE PRISON-IMPERIAL REFUSE TO GIVE HIM HIS CONFIDENTIAL LEGAL WORK, WHICH HAS THE COURT NUMBERS.

FROM DECEMBER 2007 TO JUNE 2008 BLACK-PLAINTIFF FILED 602-APPEAL GREIVANCE COMPLAINTS AGAINST PRISON STAFF.

6-13-08 INNOCENT INDIGENT BLACK-MAN, BLACK-PLAINTIFF MR. BONNY RAY HARDAWAY WAS CALLED TO A COMMITTEE HEARING. THIS HEARING WAS A SPECIAL ONE TO SEND BLACK-PLAINTIFF TO CALIFORNIA STATE PRISON-CORCORAN A 180 FROM A 270.

NOW BLACK-PLAINTIFFS ANNUAL DOES NOT COME UP UNTIL NOVEMBER 2008. MANY PRISONERS HAD ANNUALS FOR JUNE, JULY, AUGUST, SEPTEMBER AND OCTOBER. BUT THEY WERE PASSED UP AND DENIED A CHANCE TO BE TRANSFERED TO CORCORAN.

NOW AT THE HEARING DEFENDANTS NIETO, WINN AND POOE AGREED TOGETHER TO SEND BLACK-PLAINTIFF TO CORCORAN FROM A 270 TO A 180.

LEGAL CLAIMS

HARDAWAY v. NIET, WINN - POOE

DEFENDANTS ARE BEING SUED IN THEIR INDIVIDUAL CAPACITY FOR VIOLATING BLACK-PLAINTIFFS BASIC FUNDAMENTAL

CIVIL RIGHTS AND DEPRIVED HIM OF HIS CALIFORNIA AND UNITED STATES CONSTITUTIONS.

DEFENDANTS KNEW THAT BLACK-PLAINTIFF DID NOT GET HIS CONFIDENTIAL LEGAL WORK UNTIL 29-DAYS LATER. THAT HE WROTE A LOT OF 602-APPEAL COMPLAINTS AGAINST PRISON STAFF. A LOT OF LAWSUITS AGAINST PRISON STAFF

KNEW THAT THE DEPARTMENT OF CORRECTIONS DO NOT GIVE PRISONERS THEIR CONFIDENTIAL LEGAL WORK RIGHT WHEN THEY TRANSFER OFF THE BUS BUT KEEP IT FOR AT LEST THIRTY DAYS.

THEY USED CONSPIRACY WHEN THEY CONSPIRED TOGETHER TO PUT BLACK-PLAINTIFF UP TO BE TRANSFERED FROM A 270 TO A 180 YARD OR TO BE TRANSFERED FROM WARM WEATHER TO COLD.

THEY USED DISCRIMINATION WHEN THEY PUT BLACK-PLAINTIFF UP FOR TRANSFER. ONE BECAUSE HE IS BLACK, TWO BECAUSE HE IS EXPOSING MISCONDUCT BY PRISON STAFF.

THEY USED FRAUD WHEN THEY PUT BLACK-PLAINTIFF UP FOR TRANSFER. THEY TOOK AN OATH TO DO JUSTICE, TO DO THAT WHICH IS FAIR AND TO UP HOLD THE CONSTITUTION. THEY PROVE TO BE CROOKED.

THEY USED RETALIATION WHEN THEY PUT HIM UP FOR TRANSFER. TO GET HIM FOR WRITING 602-APPEALS AND LAWSUITS AGAINST PRISON STAFF

CA. CONST. ART. 1. SEC. 1

U.S. CONST. AMEND.

RELIEF CLAIMS

WHEREFORE, BLACK-PLAINTIFF REQUESTS JUDGMENT AGAINST DEFENDANTS:

1. FOR THE SUM OF $ 1.300.000 TO BLACK-PLAINTIFF FROM DEFENDANT NIETO.
2. FOR THE SUM OF $ 1.200.000 TO BLACK-PLAINTIFF FROM DEFENDANT WINN.
3. FOR THE SUM OF $ 1.100.000 TO BLACK-PLAINTIFF FROM DEFENDANT POOE.
4. FOR THE SUM OF $ 7.200.000 IN PUNITIVE DAMAGES TO BLACK-PLAINTIFF FROM DEFENDANTS NIETO, WINN AND POOE.
5. THE DEFENDANTS PAY FOR THE COST OF THE SUIT.
6. A JURY TRIAL BE HELD ON ALL ISSUES.
7. FOR ANY OTHER AND FURTHER RELIEF THAT THE COURT MAY DEEM PROPER.

DATE: 7-14-08

MR $ONNY Ray Hardaway
MR $ONNY RAY HARDAWAY
"PRO-PER"

CIVIL COVER SHEET

I(a) PLAINTIFFS

DEFENDANTS

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF IMPERIAL
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT IMPERIAL
(IN U.S. PLAINTIFF CASES ONLY)

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☑ 4 Diversity (Indicate Citizenship of Parties In Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE FOR DEFENDANT)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☑ 1	☑ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN *(PLACE AN x IN ONE BOX ONLY)*

☑ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

V. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $** 10.8M
Check YES only if demanded in complaint:
JURY DEMAND: ☑ YES ☐ NO

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

CONSPIRACY, DISCRIMINATION, FRAUD, HARASSMENT, INTIMIDATION, RETALIATION

VII. NATURE OF SUIT *(PLACE AN x IN ONE BOX ONLY)*

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Act
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans)
- ☐ 153 Recovery of Overpayment Of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury-Med Malpractice
- ☐ 365 Personal Injury-Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☑ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence Habeas Corpus
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE / PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs
- ☐ 660 Occupational Safety/Heal;th
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

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- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ✓ No ______ Yes

If yes, list case number(s): ____________

FOR OFFICE USE ONLY: ☐ *Pro Hac Vice fee:* ☐ *paid* ☐ *not paid*

Applying IFP ____________ *Judge* ____________ *Mag. Judge* ____________

UNITED STATES DISTRICT COURT

[redacted] DISTRICT OF CALIFORNIA

Plaintiff's name:
TOMMY RAY HARDAWAY

vs. Case Number:

Defendant's name:
C. NIETO /

PROOF OF SERVICE

I, the undersigned, hereby certify that I am over the age of eighteen years and (a) party to the above-entitled action.

On JULY 14, 2008, I served a copy of (1) SUMMONS (2) CIVIL COVER SHEET (3) LAWSUIT (4) PAWN RECEIPT (5) INSPECTORS REPORT (6) POLICE REPORT (7) TRIAL-TRANSCRIPTS (8) INFORMA PAUPERIS, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the United States Mail:

(LIST ALL DEFENDANTS SERVED IN THIS ACTION)

COURT CLERK, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, 940 FRONT STREET, # 4290, SAN DIEGO, CALIFORNIA, 92101-8900

I declare under penalty of perjury that the foregoing is true and correct.

Tommy Ray Hardaway
(Signed)

Attachment 7

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

FILED JUL 17 2008 CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY DEPUTY

2254 1983 FILING FEE PAID Yes No IFP MOTION FILED Yes No COPIES SENT TO Court Pro Se

I (a) PLAINTIFFS

Sonny Ray Hardaway

DEFENDANTS

Nieto, et al

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Imperial

(EXCEPT IN U.S. PLAINTIFF CASES)

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NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Sonny Ray Hardaway
PO Box 921
Imperial, CA 92251
P-45579

ATTORNEYS (IF KNOWN)

'08 CV 1309 BTM AJB

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42 U.S.C. 1983

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VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 7/17/2008 ~~SIGNATURE OF ATTORNEY OF RECORD~~

R. Mille [signature]